

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3705**

June 1, 2023

The Honorable Shailen Bhatt  
Administrator  
Federal Highway Administration  
1200 New Jersey Ave, SE  
Washington, DC 20590

Dear Administrator Bhatt:

In response to intense public opposition, the State of Oregon has paused its plans for controversial tolling in the greater Portland area until 2026.

Although tolling on I-205 and I-5 is a State initiative, the Federal Highway Administration (FHWA) must exercise its due diligence in the process. Public comments raise serious questions about whether tolling by the Oregon Department of Transportation (ODOT), pursuant to the current Environmental Assessment (EA), is in compliance with federal law. I am concerned about ODOT's rushed and truncated process with an EA when the impacts of the proposed tolling program appear to rise to the level of a more deliberate Environmental Impact Statement (EIS).

A project of this magnitude requires understanding the real-world behavior and transportation needs of Oregonians in the region. The reality is that the car is the main means of transportation for many of my constituents and travel alternatives are limited. Moving forward based on a perfunctory EA trivializes the economic and social costs of tolling. Decisions must be in the interests of impacted Oregonians. The proponents of tolling appear to be insulated from its consequences.

Concerns expressed in the comments are numerous and beyond the scope of this letter. That said, a few noteworthy claims demand objective consideration in this process:

- The asserted issue of congestion is not resolved; traffic will divert from the highway to avoid tolls and increase traffic on nearby city and county roads that experience existing diversion caused by the interstate bottleneck.
- Neighboring communities and nearby rural roads are under-designed to handle the increased traffic volume shown in ODOT's modelling. Practical and safety considerations arise.
- The proposal that tolling will be implemented to pay for a new lane (Phase II) before the lane is built is not sufficiently modeled and threatens unnecessary diversion into local communities during construction.
- The proposed mitigation measures are underwhelming, and the monitoring methodology is insufficient. The EA presumes tolling today with vague assurances for mitigating issues later. I am not aware of a cohesive mitigation plan or strategy.

I am requesting an explanation as to how FHWA is acknowledging these concerns, next steps in the NEPA process, and the determination to resolve the impacts in compliance with all applicable laws and regulations. I request a meeting with you as soon as our staff can make those arrangements.

Sincerely,

A handwritten signature in blue ink that reads "Lori Chavez-DeRemer". The signature is written in a cursive, flowing style.

Lori Chavez-DeRemer  
Member of Congress